

§ 2200.1

- 2200.209 Hearing.
2200.210 Review of Judge's decision.
2200.211 Applicability of subparts A through G.

AUTHORITY: 29 U.S.C. 661(g), unless otherwise noted.

Section 2200.96 is also issued under 28 U.S.C. 2112(a).

SOURCE: 51 FR 32015, Sept. 8, 1986, unless otherwise noted.

Subpart A—General Provisions

§ 2200.1 Definitions.

As used herein:

(a) *Act* means the Occupational Safety and Health Act of 1970, 29 U.S.C. 651–678.

(b) *Commission, person, employer, and employee* have the meanings set forth in section 3 of the Act.

(c) *Secretary* means the Secretary of Labor or his duly authorized representative.

(d) *Executive Secretary* means the Executive Secretary of the Commission.

(e) *Affected employee* means an employee of a cited employer who is exposed to or has access to the hazard arising out of the allegedly violative circumstances, conditions, practices or operations.

(f) *Judge* means an Administrative Law Judge appointed by the Chairman of the Commission pursuant to section 12(j) of the Act, 29 U.S.C. 661(j), as amended by Pub. L. 95–251, 92 Stat. 183, 184 (1978).

(g) *Authorized employee representative* means a labor organization that has a collective bargaining relationship with the cited employer and that represents affected employees.

(h) *Representative* means any person, including an authorized employee representative, authorized by a party or intervenor to represent him in a proceeding.

(i) *Citation* means a written communication issued by the Secretary to an employer pursuant to 9(a) of the Act.

(j) *Notification of proposed penalty* means a written communication issued by the Secretary to an employer pursuant to 10 (a) or (b) of the Act.

(k) *Day* means a calendar day.

(l) *Working day* means all days except Saturdays, Sundays, or Federal holidays.

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(m) *Proceeding* means any proceeding before the Commission or before a Judge.

(n) *Pleadings* are complaints and answers filed under §2200.34, statements of reasons and contestants' responses filed under §2200.38, and petitions for modification of abatement and objecting parties' responses filed under §2200.37. A motion is not a *pleading* within the meaning of these rules.

§ 2200.2 Scope of rules; applicability of Federal Rules of Civil Procedure; construction.

(a) *Scope.* These rules shall govern all proceedings before the Commission and its Judges.

(b) *Applicability of Federal Rules of Civil Procedure.* In the absence of a specific provision, procedure shall be in accordance with the Federal Rules of Civil Procedure.

(c) *Construction.* These rules shall be construed to secure an expeditious, just and inexpensive determination of every case.

§ 2200.3 Use of gender and number.

(a) *Number.* Words importing the singular number may extend and be applied to the plural and vice versa.

(b) *Gender.* Words importing the masculine gender may be applied to the feminine gender.

§ 2200.4 Computation of time.

(a) *Computation.* In computing any period of time prescribed or allowed in these rules, the day from which the designated period begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or Federal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or Federal holiday. When the period of time prescribed or allowed is less than 11 days, the period shall commence on the first day which is not a Saturday, Sunday, or Federal holiday, and intermediate Saturdays, Sundays, and Federal holidays shall likewise be excluded from the computation.

(b) *Service by mail.* Where service of a document, including documents issued by the Commission or Judge, is made by mail pursuant to §2200.7, a separate